

## STATEMENT OF OVERRIDING CONSIDERATIONS

### CRYSTAL GEYSER ROXANE

#### BEVERAGE BOTTLING PLANT (30 ACRES)

The Draft Environmental Impact Report (EIR) prepared for the Crystal Geysers Roxane beverage bottling plant identified three significant adverse unavoidable project impacts relating to aesthetics, biological and groundwater resources. Pursuant to the California State Public Resources Code Section 21081 (b) and the California Environmental Quality Act (CEQA) Guidelines Sections 15091 and 15093, the Board of Supervisors of the County of Inyo has balanced the benefits of the proposed project against potential unavoidable adverse impacts associated with the proposed project and has adopted all feasible mitigation measures with respect to these impacts.

Significant, Unavoidable Impacts:

**Aesthetics** The development of urban (light industrial) uses in the current open space, desert scrub vegetation setting would constitute a substantial change in the views along U.S. Highway 395. The specific mitigation measures proposed, which are also Conditions of Approval are as follows:

- The County shall require developers to submit full-color architectural renderings, including signage, of all proposed bottling plant facilities. Photo simulations showing the "before" project site and the "after" project site shall also be provided along with a sample board of materials, the proposed color palette, and a landscaping plan. The photo simulations shall be from at least two angles, and from various distances (e.g., 500, 1,000, and 2,000 feet) from both the north and from the south along U.S. Highway 395. The simulations shall show relative height, location, and appearance of the proposed facilities as viewed from U.S. Highway 395. The renderings, sample boards, landscaping plans, and photo simulations shall be submitted for consideration and approval by the Planning Commission prior to approval of building permits.

These renderings and samples shall conform to the following design criteria and be required as Conditions of Approval:

- Buildings shall be constructed with non-reflective surfaces, including roofs and windows, and the windows shall be designed so they face away from the highway.
- Buildings shall be painted or otherwise covered in soft 'desert-sand' colors that match the local tones and hues.

- Buildings, wastewater ponds, outside equipment and utilities such as propane tanks, water tanks, solid waste containers, etc., shall be landscaped or screened with materials such as sand-colored concrete block to reduce visibility from U.S. Highway 395 or nearby businesses.
- Signs shall be externally illuminated. Signage shall not be painted or otherwise affixed to buildings.
- Landscaping and screening shall incorporate native and common ornamental vegetation, such as cottonwood and poplar trees, blackbush scrub, sagebrush, rabbit brush, cactus, and native wildflowers, grasses, and forbs.
- All driveways shall be paved in a light-colored material, and landscaped in native vegetation and vegetation common to the area (e.g., cottonwood and poplar trees, various native and ornamental shrubs, and native flowers and grasses) to the greatest extent possible.
- Use of local soils, rocks, and other materials that give the area a 'natural' look shall be included in the design. Cactus and other fire-resistant vegetation shall be strategically placed on the project site to minimize fire hazard while maintaining visual aesthetics.
- Lighting shall be installed with the lowest illumination feasible, using soft yellow/orange/pink lighting elements, low pressure sodium elements, or other lighting as approved by the Inyo County Planning Director. Baffles, shades, and hoods shall be used to direct all lighting downward, such that light does not escape in an upward or outward direction, and is not reflected onto any off-site buildings or roadways. All light standards and fixtures within parking lots shall be of a cutoff or motion sensor/timed design. Prior to issuance of building permits, the Public Works (Building and Safety) Department will review proposed lighting fixtures to ensure compliance with this measure. The applicant shall submit a lighting plan for the bottling plant showing compliance with the above requirements and specifying the location and intensity of proposed exterior or outdoor lighting features.

The lighting plan shall be subject to review and approval by the Planning Director and Sheriff's Department to ensure that minimum safety standards are maintained while minimizing off-site lighting impacts.

Design and construction of structures, landscaping, and lighting requirements to minimize the impact to the aesthetics, ambience and viewshed of the property would reduce the impact of the proposed development. However, the impact will remain significant and unavoidable.

**Biological Resources:** The property has been identified as Mohave ground squirrel habitat, and since one individual was trapped on-site, it is assumed that there is a population at this location. The development of light industrial uses in this rural, open space setting, and damage to squirrel burrows and removal of vegetation and other habitat resources, would constitute a substantial impact on this listed species. The specific mitigation measures proposed, which are also Conditions of Approval are as follows:

- Compensatory mitigation for Mohave ground squirrel habitat loss at a rate of 3 acres protected for every one acre lost to development shall be accomplished by one and/or a combination of the following four measures:

a) Acquire lands at a 3:1 ratio that support optimum Mohave ground squirrel habitat in Inyo County, at a location which would be approved by the California Department of Fish and Game (CDFG); and pay a one time endowment fee for the long-term management of these lands, the cost of which shall be negotiated between Crystal Geyser Roxane and the CDFG.

b) Eliminate livestock grazing by fencing the entire site.

c) Purchase grazing leases on BLM grazing allotments in Inyo County within the range and in the habitat of the Mohave ground squirrel and eliminate livestock grazing on these lands.

d) Restore disturbed native vegetation within the range and in the habitat of the Mohave ground squirrel on public or State lands in Inyo County.

Adhering to the requirements of Fish and Game to minimize the impact to the Mohave ground squirrel and squirrel habitat would reduce the impact of the proposed development. In addition, there are thousands of acres of appropriate habitat in the surrounding landscape, so impacts at the 30-acre site will not lead to the extirpation of this species. However, the impact will remain significant and unavoidable.

**Groundwater:** Pumping of groundwater for the proposed project could lower the water table in the vicinity and impact Olancha Spring and its water-dependent vegetation. The specific mitigation measures proposed, which are also Conditions of Approval are as follows:

- Because of the biological significance of the spring, and the uncertainty over potential impacts of groundwater withdrawal from the production well on the spring, the applicant shall conduct a program of groundwater and spring monitoring. Shallow observation or monitoring wells (20 foot deep) shall be established in the groundwater body supplying the spring and both sides of the fault to determine if the production well is impacting the spring. A baseline of spring flow shall also be established. Monitoring shall be conducted quarterly for a minimum of 5 years, after installation of all wells on the site, with an annual report filed with the Inyo County Planning Department and Inyo County Water Department on the results of the monitoring, along with any conclusions and recommendations. If possible, the monitoring information shall be integrated into the spring monitoring database maintained by the Inyo County Water Department.
- The applicant shall ensure that monitoring well information shall be interpreted in conjunction with an analysis of rainfall patterns and trends in other shallow zone wells and spring observations being conducted by LADWP and Inyo County

throughout Owens Valley, to verify that changes in spring flow and water levels in the perched water table are a result of the project, and not due to climatic fluctuations, fault movement, or other causes. Inyo County's Green Book shall be used as the basis for procedures for establishing the monitoring program and interpreting results, and developing follow up mitigations. If the data analysis shows that the CG-2 production well is having an effect on the spring, then the applicant shall develop a mitigation plan to offset the impacts. Suitable mitigations for minor impacts on flow could include enhancing, restoring, and protecting other natural springs and seeps located on the west side of the Owens Valley.

- In order to recognize a change in the wetland vegetation or wildlife populations that might be caused by the project, the applicant shall document baseline information on the current conditions at the spring, prior to project pumping. The baseline biological document shall include low level aerial photography of the spring to document the extent of the wetland vegetation; a survey to determine the plant species composition and structure at the spring; and a survey to obtain a population estimate for the Owens Valley vole and to determine if Wong's springsnail occurs. If the long term monitoring indicates biological impacts are occurring due to pumping, then the applicant shall be required to reduce pumping to a level that does not create such impacts, or provide other appropriate compensatory mitigations measures to the satisfaction of the CDFG and Inyo County, including enhancing and restoring other springs in southwest Owens Valley.

Even with the proposed mitigation measures, significant impacts to visual, biological and groundwater resources will still exist. The Board of Supervisors has also examined project alternatives, as described in the Draft EIR prepared for the project, and found that none of the alternatives, except the "Reduced Project Alternative," fully achieve project objectives of manufacturing bottled water products requiring water with specific qualities which is in sufficient quantities that pumping of this groundwater will not impact neighboring wells or the regional water quality.

As a result, the Board of Supervisors, after balancing the specific economic, legal, social, technological, and other benefits of the proposed project, has determined that the potential unavoidable adverse environmental impacts identified above may be considered "acceptable" due to the following specific considerations, which outweigh the unavoidable, adverse environmental impacts of the proposed project. Each of the separate benefits of the proposed project, as stated herein, is determined to be unto itself, and independent of the other project benefits, as basis of overriding all unavoidable adverse environmental impacts identified in these findings.

Project benefits include:

1. Development of 30-acres of light industrial property that will provide employment for approximately 35 local residents and will add to the tax base of Inyo County, and will not

significantly impact the environment or affect the health, welfare or safety of residents and visitors.

*All environmental, social, and economic impacts have been identified and analyzed, and mitigation required for any impacts that are deemed significant. Loss of 30 acres of Mohave ground squirrel habitat and an unknown number of individuals will not result in the elimination of this species from the thousands of acres of adjacent habitat. The development of light industrial uses in an undeveloped open space may result in an aesthetic impact, which is true for most development occurring in currently undeveloped areas. However, setbacks, screening, use of muted desert tones for structures and other impermeable surfaces, use of native landscaping, minimum lighting, screening of accessory facilities, and other mitigation measures reduce the impact and result in a development that will resemble other rural agricultural or light industrial uses in the area. Studies indicate that the water table supplying Olancha Spring is very shallow and is different from, and separated from, the deeper aquifer supplying the production well. In addition, recharge of the regional aquifer is far in excess of cumulative and future groundwater withdrawal.*

2. The 30-acre beverage bottling plant implements the objectives established for the proposed project.

*The proposed project satisfies the project actions and objectives for the Crystal Geyser Roxane Beverage Bottling Plant, as stated in the Draft Environmental Impact Report, Executive Summary, page ES-1, as follows:*

*The development and operation of a mineral water, juice and tea beverage bottling plant on a 10-acre area in the southeast portion of the property. In this initial phase of development, approximately 10 million gallons of beverage would be bottled per year. The beverage would be exported from Inyo County in the form of manufactured/processed goods (consumer items ready for purchase by the public).*

Conclusion.

For the foregoing reasons, the Board of Supervisors of the County of Inyo, serving as the Lead Agency, concludes that Conditional Use Permit No. 2001-19/, General Plan Amendment No. 2001-03/ and Zone Reclassification No. 2001-04/Crystal Geyser Roxane (Beverage Bottling Plant) for the 30-acre bottling plant project, will result in a beneficial addition of light industrial development on a property that is at a suitable location and which provides the necessary resources, that outweighs the unavoidable environmental impacts. Therefore, the County of Inyo has adopted this Statement of Overriding Considerations.

